

# Exhibit 11

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION  
ENVIRONMENT TEXAS           )  
CITIZEN LOBBY, INC.        )  
and SIERRA CLUB,            )  
                                  )  
Plaintiffs,                    )  
                                  )  
VS.                                ) CIVIL ACTION NO. 4:10-cv-4969  
                                  )  
EXXON MOBIL CORPORATION,   )  
et al.                            )  
                                  )  
Defendants.                    ) JUDGE DAVID HITTNER

\*\*\*\*\*  
ORAL VIDEOTAPED DEPOSITION OF  
R. SHAE COTTAR  
MAY 14, 2012

ORAL VIDEOTAPED DEPOSITION OF R. SHAE COTTAR, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on the 14th day of May, 2012, from 9:06 a.m. to 11:52 a.m., before Linda S. Partida, CSR, in and for the State of Texas, reported by computerized stenotype machine at the offices of Beck, Redden & Secrest, L.L.P., 1221 McKinney Street, Suite 4500, Houston, Texas, pursuant to the Federal Rules of Civil Procedure (and the provisions stated on the record or attached therein.)

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9	EXHIBITS		
10	EXHIBIT	DESCRIPTION	PAGE
11	1	The eight-page Notice and Subpoena Duces Tecum for the deposition of Shae Cottar	25
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13	2	A three-page article written by Shae Cottar titled "Protecting the Future of our Gulf Coast"	29
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15	3	The 30-page Complaint pertaining to the aforementioned litigation	49
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17	4	A three-page PowerPoint titled "Toxic Emissions per Compounds in 2008" prepared by Air Alliance	60
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19	5	One page containing a black and white Xerox copy of a photograph of clouds over an industrial plant	64
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21	6	A seven-page declaration prepared by Shae Cottar	72

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1 PRELIMINARY PROCEEDINGS  
2 THE REPORTER: Please put your  
3 stipulations on the record.  
4 MR. KRATKA: I think we want to --  
5 Shae to review and sign the transcript.  
6 MR. RICE: Sure.  
7 MR. KRATKA: I'll make objections, and  
8 that will be preserved for trial.  
9 MR. RICE: Yes.  
10 MR. KRATKA: And unless it is an area  
11 of, you know, attorney-client privilege, the witness  
12 will go ahead and answer the question.  
13 MR. RICE: That'll work.  
14 THE REPORTER: Do you have a trial or  
15 hearing date, anything pressing I need to be aware  
16 of?  
17 MR. RICE: No.  
18  
19 R. SHAE COTTAR,  
20 having been first duly sworn, testified as follows:  
21 EXAMINATION  
22 Q. (BY MR. RICE) Would you state your name for  
23 the record, please?  
24 A. Richard Shae Cottar.  
25 Q. And, Mr. Cottar, how old of a man are you?

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10:47	1 Let's talk about the smells and the	10:49	1 A. They -- it -- there are times when it will
	2 stuff in the air that you -- that you -- you just		2 happen when I'm awake. I go out to take the trash
	3 mentioned.		3 out, go out to walk the dogs.
10:47	4 A. Awesome.	10:50	4 There have been times, as well, that I
10:47	5 Q. What -- just describe for me -- let's take		5 have awakened at 2:00 o'clock in the morning with a
	6 the smells.		6 horrible headache and the smell of it in my bedroom.
10:47	7 Have there been times where you		7 My bedroom window faces the complex.
	8 smelled these odors that you attribute to or you	10:50	8 Q. Okay.
	9 associate with an emission event?	10:50	9 Now, when you -- I'm -- I'm looking
10:47	10 A. Yes.		10 back now at your declaration; and in Paragraph 2, it
10:47	11 Q. Okay.		11 says that you've -- you've often seen sooty black
10:47	12 How often does that occur? If you		12 smoke coming from the flare flames.
	13 recall, let's say in the past five years, how often	10:50	13 How many times have you visually
	14 would -- would it occur that you would smell an odor		14 witnessed an emission of a flaring event, where
	15 that you attribute to an emission event at a		15 something's been flaring off at the ExxonMobil --
	16 petrochemical facility?	10:51	16 A. How many --
10:48	17 A. May I limit it to the last two?	10:51	17 Q. -- complex?
10:48	18 Q. Sure.	10:51	18 A. -- times?
10:48	19 A. Because I really couldn't tell you how	10:51	19 Q. Right, if you can recall.
	20 often until I lived next door.	10:51	20 A. I would roughly say once a week for the
10:48	21 Q. Right. That makes sense. Let's -- let's		21 last two years.
	22 limit it to the -- the time that you've lived here at	10:51	22 Q. And when those occur, do you -- what do you
	23 Briar Court --		23 do? Do -- I mean, have you ever contacted ExxonMobil
10:48	24 A. Briar Court.		24 about these events?
10:48	25 Q. -- right across the Spur 330.	10:51	25 A. As a matter of fact, I tried Friday.
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10:48	1 A. I would say that, while not always every	10:51	1 Q. Okay.
	2 week, it averages out to about once a week. It may	10:51	2 What --
	3 go a week without having any issue; but then, the	10:51	3 A. Or Thursday.
	4 next issue, you might have two or three -- or, the	10:51	4 Q. And what did you do on Thursday?
	5 next week, you might have two or three.	10:51	5 A. I contacted -- I -- I -- when the picture,
10:48	6 Q. And -- I'm sorry.		6 Exhibit 5, was taken, I immediately went home. I
10:48	7 A. So, on an average of about once a week.		7 Googled Baytown Exxon Chemical; found the main
10:48	8 Q. And just describe for me what -- what it		8 number; called the main number and said, "Hey, this
	9 is. What do you smell? What does it smell like that		9 is what I just witnessed. Is there anything going
	10 you -- when you -- when you smell something that you		10 on? Is -- you know, is there any cause for concern?"
	11 associate with an emission event, what does it smell	10:51	11 And I was led on a 30-minute wild
	12 like?		12 goose chase that netted me nothing.
10:49	13 A. A very, very strong, pungent chemical odor.	10:52	13 Q. When you say "wild goose chase," what do
10:49	14 Q. Is there any particular time of the day		14 you mean really?
	15 that this tends to occur more often?	10:52	15 A. I talked to four different people, and
10:49	16 A. Yes.		16 nobody knew either how to answer me or who I should
10:49	17 Q. And what time of day is that?		17 talk to. I repeatedly asked for either public
10:49	18 A. It is not limited to nighttime, but it is		18 relations or a community liaison, and it was as if
	19 most often at night. I would say 9:00 p.m. on.		19 I'd asked them to speak to the man in the moon. I
10:49	20 Q. So, 9:00 to?		20 got this complete, "Uh. Uh. Let me get you to
10:49	21 A. Sometimes 2:00, 3:00 o'clock.		21 hold."
10:49	22 Q. Okay.	10:52	22 They finally then transferred me to --
10:49	23 And if it had -- if -- if -- when		23 or told me that -- that I -- the only recourse I had
	24 these events occur, at that time, are you generally		24 or the only way I could find out anything was to call
	25 awake and you -- you happen to notice them; or...		25 the main Houston number, which that's like asking,

21 (Pages 81 to 84)

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10:52	1 you know, somebody from Baytown Wal-Mart to call	10:55	1 was able to dial up. I was never told who that was
10:53	2 Fayetteville, Arkansas, to find out why there's a	2	or how I could get in touch with anyone.
	3 spill on Aisle 7.	3	My core complaints were never
	4 Q. Did you call the Houston number?	4	answered, the core complaints being, "Can I talk to
	5 A. I did. I did. And I got the same deer in	5	somebody? You know, if -- if you guys purport to be
	6 the headlights response that completely just -- "I	6	a good neighbor, good neighbors talk to each other.
	7 don't know who that would be."	7	So, who can I talk to?" And that was never answered.
10:53	8 "Well, do you have a public relations	10:55	8 Q. Were you ever given an answer to the
	9 office? Do you have a community liaison?" I -- I	9	question as to what this might have been depicted in
	10 don't know how else to ask other than those two	10	the photograph?
	11 keywords.	10:55	11 A. I was told -- and this is, as best as I can
10:53	12 Finally, I -- I said to the lady that	12	remember, a direct quote -- it was nothing that the
	13 answered the phone -- I'm assuming she was a	13	public needed to be aware of, which implicitly states
	14 receptionist for that main number -- I said, "You	14	that it -- not that it was nothing, but that it was
	15 know, no one can even tell me who I should talk to.	15	nothing that the public needed to be aware of.
	16 Do you understand how frustrating that is? You guys	10:55	16 Q. Well, do you have any reason to believe
	17 tell me you're my neighbor. I don't know my	17	that it was something that --
	18 neighbor's name. And you say you're a good neighbor.	10:56	18 A. Well --
	19 I can't contact my neighbor. I can't find out if I	10:56	19 Q. -- the public --
	20 should shelter in place. Nobody's called the CAER	10:56	20 A. -- it's black smoke. That tells me it's
	21 line. Nothing's going on."	21	something.
10:53	22 And I -- and I got repeated silences,	10:56	22 Q. Did you contact the TCEQ on that day?
	23 so much so that I was concerned that maybe I had lost	10:56	23 A. I did, and there was nothing reported.
	24 the phone call. And, so, I would ask again, "Did I	10:56	24 Q. Have you contacted the C -- TCEQ subsequent
	25 lose you? Are you still there?"	25	to that day --
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10:54	1 "Yes, sir, I'm still here."	10:56	1 A. I was --
10:54	2 "Okay. Do you understand my	10:56	2 Q. -- about this --
	3 question?" Silences, almost as if, you know, she was	10:56	3 A. -- going to give it the weekend and try
	4 afraid to answer.	4	again today.
10:54	5 Q. And -- and what wa -- what was the	10:56	5 Q. Okay.
	6 question -- or what were the questions you were	10:56	6 Was that the first time that you had
	7 asking?	7	contacted ExxonMobil or tried to contact ExxonMobil
10:54	8 A. The quest -- as I just stated, the	8	regarding a potential --
	9 questions were, "I don't know who I could even talk	10:56	9 A. That was --
	10 to. Do you have a community liaison? Is there a	10:56	10 Q. -- emission event?
	11 public relations person? Is there somebody in Exxon	10:56	11 A. -- the second time.
	12 I can talk to about what's going on?" And I got	10:56	12 Q. And when was the first time?
	13 complete silence.	10:56	13 A. A year ago maybe. It was a long time ago.
10:54	14 Finally, she routed my call, funny	14	And I -- it -- it -- it -- I didn't have the patience
	15 enough, to the credit card customer care line; and a	15	to follow through. I got the same runaround
	16 lady named Mary with customer care was extremely	16	initially of, "I don't know who you can talk to."
	17 patient, extremely helpful. She was bewildered, too,	10:57	17 And, so, I just said, "Okay. Thank
	18 as to why they routed me to her. She's like, "What's	18	you," and hung up; and I called the TCEQ directly.
	19 going on?"	10:57	19 Q. And was that -- that initial time, was that
10:54	20 I said -- and I explained the whole	20	instigated by something that you saw?
	21 thing to her, probably for the fourth or fifth time.	10:57	21 A. No. That was about a smell.
	22 And I explained to her, "I'm not a customer. I'm --	10:57	22 Q. A smell that you smelled?
	23 I'm a resident, and I'm concerned."	10:57	23 A. (Nodding head)
10:55	24 And she finally took the initiative to	10:57	24 Q. And what did -- when you contacted the
	25 call someone at the local Baytown facility that she	25	TCEQ, what was the outcome of that call?

22 (Pages 85 to 88)